

**REMARKS**

1. The Examiner objected to the drawings because Figure 1 was difficult to see. Formal drawings are filed herewith.
2. The Examiner rejected Claims 1-7, 9-17, 23-26, 29-33, and 35-38 under 35 U.S.C. § 102(b).
3. Claims 1-7, 9-17, 23-26, 29-33, and 35-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,950,858 ("Sergeant"). Because Sergeant does not disclose or teach: (1) a folded portion directly connected to the chuckwall and an opposing end portion connected to the central panel; (2) a folded portion extending along a length of the chuckwall; and (3) a fold including a concave annular portion having an apex engaging the peripheral edge of the central panel, Applicants submit that the amended Claims are in condition for allowance.

During the interview held on August 4, 2003, in addition to the matters set forth in Examiner Newhouse's Interview Summary, Applicants' representative discussed several easy open can end exhibits with Examiner Newhouse.

Further to the Interview, Examiner Newhouse noted that Sergeant does not disclose a fold having a first portion directly connected to a chuckwall and a second portion directly connected to the central panel. Examiner Newhouse considered the inner and outer wall portions that project upwardly from the base of the countersink to be portions of the central panel and the chuckwall, respectfully. Applicants' representative respectfully submitted that such an interpretation was at odds with Sergeant and the prior art, and that Sergeant does not disclose or teach a fold having a first portion directly connected to the chuckwall and a second end connected to the central panel. The Applicants wish to supplement their argument as follows.

Figure 8 of Sergeant "shows a fold 22 formed in the base of the countersink 18." (See Col. 4, lines 60-65). The fold of Figure 8 is separated from the chuckwall by an outer wall of the countersink. The description of Figure 7 states that "the fold 22 has bent [sic] radially outwardly and downwardly *until its wall 24 lies face-to-face against the radially inner side wall of the*

countersink." (See Col. 4, lines 57-59) (emphasis added). The inner wall of the countersink connects the lower annular concave portion of the base of the countersink with the central panel. It follows that the countersink has an outer wall opposite the inner wall wherein the inner wall of the countersink connects the base of the countersink (an annular concave portion) with the central panel, and the outer wall of the countersink connects the base with the chuckwall. This is further reinforced by Sergeant's reference to U.S. Patent No. 4,093,102 in the Background section of the Specification. (See Col. 1, Lines 36-41; see also U.S. Patent No. 4,093,102 Abstract: "The end panel consists of a central portion that has an outwardly directed annular bead around the periphery thereof which is connected to a countersink or inwardly directed bead along a flat first wall portion. The outer end of the countersink or inwardly directed bead has a second flat wall portion, the outer end of which is connected to a peripheral curl by a third flat wall portion and the curl is adapted for seaming the end panel to a container body.")

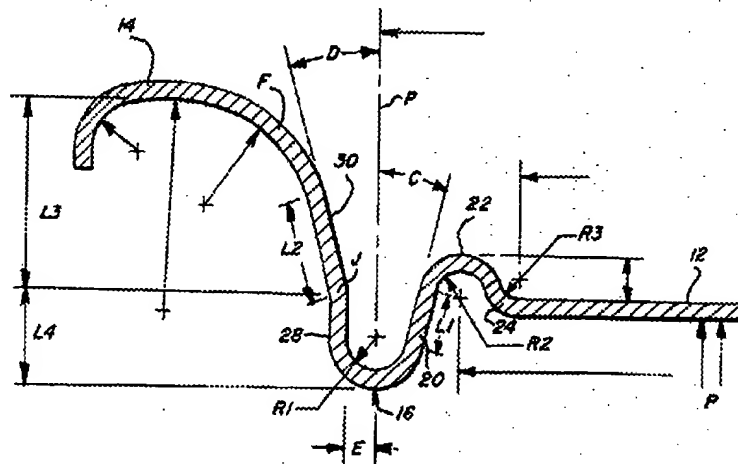


Figure 1: U.S. Patent No. 4,093,102

The general configuration of the countersink including inner and outer walls joined by an annular concave portion as disclosed in Sergeant is a common feature found in many prior art

publications. (See, e.g., U.S. Patent No. 6,516,968 at Column 3, Lines 11-24 ("The curved panel wall 16 . . . extends from an inner wall 17 of a reinforcing rib or countersink 18 having a U-shaped cross-sectional configuration and including a flat annular bottom wall 22 and a generally cylindrical outer wall 24 . . . The outer wall 24 of the countersink 18 connects with a generally frusto-conical chuckwall 32 by a curved wall 34 . . ."))

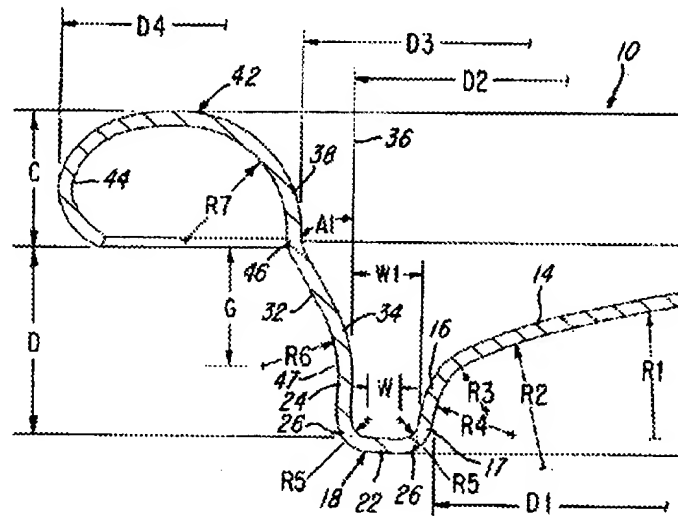


Figure 2: U.S. Patent No. 6,516,968

and U.S. Patent No. 4,217,843 at Column 4, Lines 14-18 ("Referring to FIG. 3, the countersink 20 includes an inner wall 22 and an outer wall 24 which are interconnected by an arcuate portion 26.")

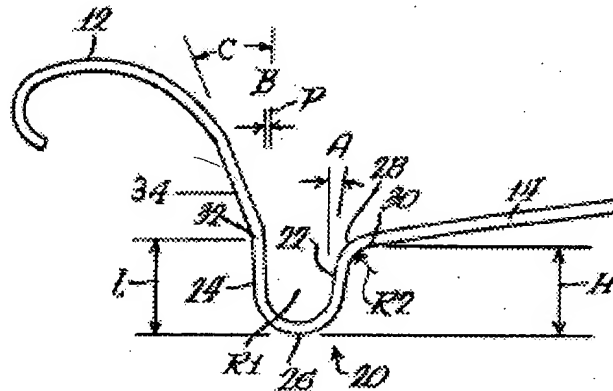


Figure 3: U.S. Patent No. 4,217,843

In view of the above, it is respectfully submitted that a countersink includes at least an inner wall joined to an outer wall by an annular concave portion. The inner wall is connected to the central panel, and the outer wall is connected to a chuckwall. It is further submitted that Sergeant does not disclose a fold directly connected to the chuckwall since the fold of Figure 8 is separated from the chuckwall by the outer wall of the countersink.

**Claims 1-11**

Claims 1-11 are in condition for allowance. As amended, Claim 1 is directed to an easy open can end member having a transition wall connecting the chuckwall with the peripheral edge of the central panel. The transition wall has a folded portion with a first end portion directly connected to the chuckwall and a second end portion connected to the central panel.

Sergeant does not disclose a fold formed in the location required by Claim 1. Sergeant discloses a fold (22) formed either at the junction of the countersink (18) and the center panel (10) (see Col. 4, lines 34-59; Figures 3-7) or within the countersink (18) (see Col. 4, lines 60-65; Figure 8). One of the stated benefits of Sergeant is that the fold provides effective resistance against the countersink inverting. (See Col. 1, lines 62-67). Sergeant does not disclose or recognize the benefit of moving the fold to the location described in Claim 1, namely achieving desired strength through the use of a fold directly connected to the chuckwall.

In view of the foregoing, Applicants submit that Claim 1 and its dependent claims, Claims 2-11 are in condition for allowance.

**Claims 12-22**

Claims 12-22 are in condition for allowance. As amended, Claim 12 is directed to an easy open can end member comprising a transition wall connecting the chuckwall with the peripheral edge of the central panel. The transition wall comprises a folded portion extending upwardly along the chuckwall. Claim 12 is not anticipated by Sergeant because Sergeant does not disclose a fold extending upwardly along the chuckwall

In view of the foregoing, Applicants submit that Claim 12 and its dependent claims, Claims 13-22 are in condition for allowance.

**Claims 23, 24, and 26-30**

Claims 23, 24 and 26-30 are in condition for allowance. As amended, Claim 23 is directed to an easy open can end member comprising a transition wall connecting the chuckwall with the peripheral edge of the central panel. The transition wall comprises a fold including a concave annular portion having an apex engaging the peripheral edge of the central panel. Claim 23 is not anticipated by Sergeant because Sergeant does not disclose having an apex engaging the peripheral edge of the central panel.

In view of the foregoing, Applicants submit that Claim 23 and its dependent claims, Claims 24 and 26-30 are in condition for allowance.

**Claims 31, 32, and 33**

Claim 31 is in condition for allowance. As amended, Claim 31 is directed to an easy open can end member comprising a transition wall connecting the chuckwall with the central panel. The transition wall comprises a fold having a first end portion directly connected to the chuckwall and a second end portion connected to the central panel wherein the easy open can end member is without a countersink. Claim 31 is not anticipated by Sergeant because Sergeant does not disclose or recognize the benefit of moving the fold to the location described in Claim 31.

Claim 32 is in condition for allowance. As amended, Claim 32 is directed to an easy open can end member having a transition wall connecting the chuckwall with the peripheral edge of the central panel. The transition wall comprises a fold extending along a portion of the chuckwall. Claim 32 is not anticipated by Sergeant because Sergeant does not disclose or recognize the benefit of moving the fold to the location described in Claim 32.

Claim 33 is in condition for allowance. As amended, Claim 33 is directed to an easy open can end member having a transition wall connecting the chuckwall with the peripheral edge of the central panel. The transition wall comprises a fold having a first end portion directly connected to chuckwall and a concave annular portion having an apex approaching the public

side of the peripheral edge of the central panel. Claim 33 is not anticipated by Sergeant because Sergeant does not disclose or recognize the benefit of moving the fold to the location described in Claim 33.

In view of the foregoing, Applicants submit that Claims 31-33 are in condition for allowance.

**Claims 35-43**

Claims 35-43 are in condition for allowance. As amended, Claim 35 is directed to a method of forming an easy open can end member comprising the step of reforming the transition wall to form a fold having a first end portion directly connected to the chuckwall and a second end portion connected to the central panel. First, Sergeant does not disclose a method for forming a can end. Second, even if Sergeant disclosed a method of forming a can end having a fold, the fold of Sergeant is located within the countersink or between the countersink and the central panel. Third, Sergeant is absent any disclosure related to a can end shell. Third, Sergeant does not disclose or recognize the benefit of forming the fold at the location described in Claim 35. Therefore, Claim 35 is not anticipated by Sergeant.

In view of the foregoing, Applicants submit that Claim 35 and its dependent claims, Claims 36-43 are in condition for allowance.

**Conclusion**

In view of the Amendments and foregoing Remarks, Applicants submit that the Application is in condition for allowance, and respectfully request the same. If any deficiencies remain, and it would expedite the progress of this Application through the examination process, the Examiner is invited to call the undersigned attorney.

The Examiner is authorized to charge any deficiencies or credit any overpayments associated with this communication to our Deposit Account, No. 23-0280.

Attorney Docket No. 400 P 1029 (PA 1281 US)  
Application No. 09/931,497

Page 16

Respectfully submitted,

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 11, 2003.

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